

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
AIR QUALITY TECHNICAL ADVISORY COMMITTEE MEETING

Thursday, April 26, 2012
MAG Office
Phoenix, Arizona

MEMBERS ATTENDING

Oddvar Tveit, Tempe, Chairman
Elizabeth Biggins-Ramer, Buckeye, Vice Chair
Sue McDermott for Kristen Sexton, Avondale
Jon Sherrill for Jim Weiss, Chandler
Jamie McCullough, El Mirage
Jessica Koberna for Kurt Sharp, Gilbert
Doug Kukino, Glendale
Cato Esquivel, Goodyear
* Scott Bouchie, Mesa
William Mattingly, Peoria
Philip McNeely, Phoenix
Tim Conner, Scottsdale
Antonio DeLaCruz, Surprise
Mark Hannah, Youngtown
Ramona Simpson, Queen Creek
* American Lung Association of Arizona
Wendy Crites for Kristin Watt, Salt River Project
* Brian O'Donnell, Southwest Gas Corporation
Mark Hajduk, Arizona Public Service Company
Gina Grey, Western States
Petroleum Association
Dawn M. Coomer, Valley Metro/RPTA
* Dave Berry, Arizona Motor Transport Association
Jeannette Fish, Maricopa County Farm Bureau

Steve Trussell, Arizona Rock Products Association
Amy Bratt, Greater Phoenix Chamber of
Commerce
Amanda McGennis, Associated General
Contractors
Spencer Kamps, Homebuilders Association of
Central Arizona
Mannie Carpenter, Valley Forward
Kai Umeda, University of Arizona Cooperative
Extension
Beverly Chenausky, Arizona Department of
Transportation
Eric Massey for Diane Arnst, Arizona Department
of Environmental Quality
*Environmental Protection Agency
Jo Crumbaker, Maricopa County Air Quality
Department
* Duane Yantorno, Arizona Department of Weights
and Measures
* Ed Stillings, Federal Highway Administration
Mary Springer for Judi Nelson, Arizona State
University
Christopher Horan, Salt River Pima-Maricopa
Indian Community

*Members neither present nor represented by proxy.
#Participated via telephone conference call.
+Participated via video conference call.

OTHERS PRESENT

Lindy Bauer, Maricopa Association of Governments
Dean Giles, Maricopa Association of Governments
Taejoo Shin, Maricopa Association of Governments
Matt Poppen, Maricopa Association of Governments
Julie Hoffman, Maricopa Association of Governments
Kara Johnson, Maricopa Association of Governments
Adam Xia, Maricopa Association of Governments
Feng Liu, Maricopa Association of Governments
Cathy Arthur, Maricopa Association of Governments
Randy Sedlacek, Maricopa Association of
Governments
Joe Gibbs, City of Phoenix

Mitch Wagner, Maricopa County Department
of Transportation
Scott DiBiase, Pinal County Air Quality
John Meyer, City of Mesa
Joonwon Joo, Arizona Department of
Transportation
Kathleen Sommer, Maricopa County Air Quality
Department
Sam Tsrown, City of Scottsdale
Mike Gillespie, Town of Gilbert
Rusty Van Leuven, Arizona Department of
Agriculture

1. Call to Order

A meeting of the Maricopa Association of Governments (MAG) Air Quality Technical Advisory Committee (AQTAC) was conducted on April 26, 2012. Oddvar Tveit, City of Tempe, Chair, called the meeting to order at approximately 1:35 p.m. Jon Sherrill, City of Chandler; Jamie McCullough, City of El Mirage; Mannie Carpenter, Valley Forward; Gina Grey, Western States Petroleum Association; Mark Hannah, Town of Youngtown; and Antonio DeLaCruz, City of Surprise, attended the meeting via telephone conference call.

2. Call to the Audience

Mr. Tveit stated that according to the MAG public comment process, members of the audience who wish to speak are requested to fill out comment cards, which are available on the tables adjacent to the doorways inside the meeting room. Citizens are asked not to exceed a three minute time period for their comments. Public comment is provided at the beginning of the meeting for nonagenda items and nonaction agenda items. Mr. Tveit noted that no public comment cards had been received.

3. Approval of the February 23, 2012 Meeting Minutes

The Committee reviewed the minutes from the February 23, 2012 meeting. William Mattingly, City of Peoria, moved and Phil McNeely, City of Phoenix, seconded, and the motion to approve the February 23, 2012 meeting minutes carried unanimously.

6. 2010 Implementation Status of Committed Measures in the MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area

Cathy Arthur, Maricopa Association of Governments, noted the order of agenda items has been changed since agenda item six precedes the development of the Draft MAG 2012 Five Percent Plan for PM-10 which will be discussed next. In addition, some of the measures in the 2010 implementation status report are used as contingency measures in the Draft MAG 2012 Five Percent Plan for PM-10. She provided a report on the 2010 Implementation Status of the Committed Measures in the MAG 2007 Five Percent Plan for PM-10.

Ms. Arthur stated that she has provided an implementation status report of the committed measures in the MAG 2007 Five Percent Plan for PM-10 for previous years. On May 23, 2007, the MAG Regional Council requested that the committed measures in the MAG 2007 Five Percent Plan for PM-10 be tracked and that MAG issue a report each year on the status of implementation. Ms. Arthur noted that if the MAG AQTAC, the MAG Management Committee and the MAG Regional Council approve the 2010 implementation status report, the report will be made available to the Governor's Office, the Legislature, the Arizona Department of Environmental Quality (ADEQ), and the Environmental Protection Agency (EPA).

Ms. Arthur provided an overview of the MAG 2007 Five Percent Plan for PM-10. She discussed that the 2007 plan was submitted, on time, to EPA in December 2007, as required by the Clean Air Act. The plan was voluntarily withdrawn by ADEQ on January 25, 2011 to address technical approvability issues identified by EPA. Ms. Arthur indicated that the 2007 plan contained 53 committed measures and most continue to be implemented. She discussed that an implementation status report has been given for years 2008 and 2009, and 2010 is the last report. Ms. Arthur discussed that three years of

clean data is required at the monitors in order to demonstrate attainment. She stated that the control measure commitments are important with regard to keeping the monitors clean.

Ms. Arthur indicated that the tracking forms were sent out in August 2011 to assist member agencies in reporting progress of the implemented measures. She noted that completed forms were received from Maricopa County, ADEQ, and the municipalities by mid-December. MAG held a workshop in September 2011 on tracking implementation of measures in the plan. Ms. Arthur mentioned that MAG has held five workshops on this matter.

Ms. Arthur discussed the implementing entities and the number of measures tracked. She indicated that Maricopa County has 40 measures, the State has 14, and local governments have 16. Ms. Arthur stated that 25 measures were quantified for numeric credit in the 2007 plan to meet the five percent reduction target and to demonstrate attainment. She indicated that 11 measures were quantified for numeric credit as contingency measures. Ms. Arthur noted that 17 of the 53 measures in the plan were not quantified.

Spencer Kamps, Homebuilders Association of Central Arizona, asked what determined the measures that were used to meet the five percent reduction target. Ms. Arthur responded that the measures were categorized into either meeting the five percent reduction requirement or to meet the contingency requirement. She stated that there are no definitions in determining the requirement for which the measure would be applied. It is a matter of meeting both requirements.

Steve Trussell, Arizona Rock Products Association, inquired if the contingency measures account for surplus. Ms. Arthur replied that any credit taken above the five percent reduction requirement is used as a contingency measure. She indicated that some measures are difficult to quantify, which is why 17 measures were not quantified. Ms. Arthur noted that the Draft MAG 2012 Five Percent Plan for PM-10 had challenges with quantifying some measures as well. She noted that EPA was distinct in requesting studies to support the reductions for the measures. Ms. Arthur stated that the 2012 plan was limited in what measures could be used for credit. Mr. Kamps asked if 36 measures were being used to quantify credit in the plan. Ms. Arthur responded that credit was taken for 36 measures, a majority, in the 2007 plan.

Ms. Arthur stated that the measures that exceeded the benefits and commitments have helped to show the necessary reductions for contingency measures in the 2012 plan. She gave an overview of measures that exceeded commitment. She stated that measure 26, paving or stabilizing public dirt roads/alleys, has lead to 181 miles of public dirt roads being paved or stabilized in 2008, 2009, and 2010. Ms. Arthur noted that this was 77 more miles than the committed amount. She indicated that in 2008 through 2010, 465 miles of dirt alleys were paved or stabilized. Ms. Arthur added that 92 miles of dirt alleys were paved or stabilized above the commitments.

Ms. Arthur noted that measure 27, limiting speeds to 15 miles per hour (mph) on high traffic dirt roads, experienced 13 miles more than the commitments. She stated that there were a total of 37 miles of high traffic dirt roads with 15 mph speed limit signs posted in 2008 through 2010.

Ms. Arthur stated that measure 28, pave or stabilize unpaved shoulders, received 567 curb miles more than the commitments. She mentioned that 959 curb miles of dirt shoulders were paved or stabilized in 2008 through 2010.

Ms. Arthur discussed that the County and one local government adopted ordinances regarding measure 45, which prohibits use of leaf blowers on unstabilized surfaces.

Ms. Arthur stated that measure 53, repaving or overlaying paved roads with rubberized asphalt, implemented by the Arizona Department of Transportation (ADOT), had 13 miles of highway repaved with rubberized asphalt in 2008. She noted that this was 8 miles more than the commitment.

Ms. Arthur discussed measures that were not implemented in the 2007 MAG Five Percent Plan for PM-10. She indicated that measure five, establish a certification program for Dust Free Developments as an industry standard, was not implemented due to budgetary constraints of the implementing entity, ADEQ. Measure 20, provide incentives to retrofit nonroad diesel engines and encourage early replacements with advanced technologies, was not implemented since the Legislature did not establish the fund to provide incentives to retrofit nonroad engines. Measure 39, modeling cumulative impacts, was partially implemented and the draft policy developed by Maricopa County Air Quality Department (MCAQD) and ADEQ was distributed for public review in February 2010. Measure 42, the Arizona State Legislature provide funding to ADEQ for four agriculture dust compliance officers for a total of five inspectors, was not implemented. However, two additional inspectors were funded in the State Legislative budget bill, but expenditure authority for these new positions is no longer available to ADEQ. Ms. Arthur noted that in 2010 the Arizona Department of Agriculture's Agricultural Best Management Compliance Assistance Group performed 107 on-site visits, drafted 4,148 consultation letters, and participated in 12 outreach and training events. Ms. Arthur added that despite lack of funding for measure 42, work from the Arizona Department of Agriculture was being done.

Ms. Arthur discussed that a majority of the implementation results meet or exceed the 2007 Five Percent Plan commitments. She stated that as a result of this, violations of the PM-10 standard have declined. Ms. Arthur mentioned that in 2005 and 2006 the region experienced violations of the standard due to stagnant conditions. She commented that measures in the 2007 plan have successfully controlled stagnation violations and there have been no stagnation violations since the 2007 plan was submitted. Ms. Arthur noted that 2009, 2010, and 2011 may be clean years at the monitors due to no stagnation exceedances. She indicated that 2009 had seven exceptional events and 2011 had 21 exceptional events. Ms. Arthur stated that if EPA concurs with the exceptional event documentation, the region will have three years of clean data. She stated that MAG will continue to track PM-10 concentrations at the monitors and report them to the Committee.

Mr. Tveit requested a motion to recommend forwarding the 2010 Implementation Status of Committed Measures in the MAG 2007 Five Percent Plan for PM-10 in the Maricopa County Nonattainment Area to the Arizona Department of Environmental Quality, the Governor's Office, Arizona Legislature, and the Environmental Protection Agency. Amanda McGennis, Associated General Contractors, moved and Jeanette Fish, Maricopa County Farm Bureau, seconded, and the motion carried unanimously.

4. Draft MAG 2012 Five Percent Plan for PM-10

Lindy Bauer, Maricopa Association of Governments, provided an overview of the Draft MAG 2012 Five Percent Plan for PM-10. She thanked the Committee for all the work they have done on the plan as well as the public and private sectors for working together. She also thanked the Arizona Department of Environmental Quality, Maricopa County Air Quality Department, and the Arizona Department of Transportation for partnering and collaborating with MAG on the Draft MAG 2012

Five Percent Plan for PM-10. Ms. Bauer thanked the stakeholders group lead by Representative Amanda Reeve, that contributed valuable input throughout the process.

Ms. Bauer discussed the Draft MAG 2012 Five Percent Plan for PM-10. She stated that the new 2012 Plan includes a wide variety of existing control measures and projects that have already been implemented. Ms. Bauer added that this plan is unique in that credit is being taken for measures that have already been implemented. She commented that EPA has come to find that the withdrawn 2007 plan worked. Therefore, in July 2011, EPA indicated that MAG may resubmit the plan. While the prior 2007 Five Percent Plan was withdrawn, the control measures continue to be implemented and are now being resubmitted. Ms. Bauer mentioned a table in the Executive Summary and Chapter Four of the 2012 plan that lists the statutes, mostly from Senate Bill 1552, that require the control measures. She noted that the measures control a wide variety of sources including: trackout, open burning, unpaved shoulders, unpaved roads, vacant lots, earthmoving, all terrain vehicles, weed abatement, leaf blower, street sweepers, and nonmetallic mineral processing.

Ms. Bauer stated that MAG closely monitors the air quality data provided by MCAQD and ADEQ. She noted that in 2009 there were seven days of exceptional events. EPA has unofficially indicated that 2009 may be a clean year and only a few of the events may be questioned. Ms. Bauer indicated that 2010 was a clean year since there was only one exceedance and no violations of the PM-10 standard. She discussed that of the 22 exceedance days in 2011, 21 were exceptional events. Ms. Bauer stated that exceptional events will need to be documented for EPA to concur that the region has three years of clean data.

Ms. Bauer presented the 2008 PM-10 Periodic Emissions Inventory developed by MCAQD which serves as a foundation for the 2012 Plan. She noted that the PM-10 total for the nonattainment area in the 2008 PM-10 Emissions Inventory is 48,148 tons per year.

Ms. Bauer discussed that the 2012 Five Percent Plan takes credit for measures in the withdrawn MAG 2007 Five Percent Plan that were implemented. She stated that credit is being taken for increased rule effectiveness for Maricopa County Rules 310, 310.01, and 316. Ms. Bauer indicated that these rules cover a wide variety of sources and that these region-wide rules are very important. She thanked the private sector for their tremendous progress to increase the rule effectiveness. Ms. Bauer noted that Rule 310, which covers earthmoving activity, has a rule effectiveness of 94 percent. The private sector trained and worked with representatives to achieve this rule effectiveness rate. Ms. Bauer stated that Rule 310.01, which covers vacant lots/unpaved parking lots, has a rule effectiveness of 97 percent. She indicated that Rule 316, which covers sand and gravel operations, has a rule effectiveness of 73 percent. Ms. Bauer stated that the private sector has done an excellent job and she commended them for the increase in rule effectiveness.

Ms. Bauer indicated that the 2012 Plan is also taking credit for PM-10 certified street sweeping of freeways; ADOT has a contract dated February 20, 2010. In addition, the plan is taking credit for PM-10 certified street sweepers purchased in 2007 to 2009 with federal Congestion Mitigation and Air Quality Improvement (CMAQ) funds; road, alley, and shoulder paving and stabilization projects completed by local governments between 2008 and 2011; speed limit reductions, 15 mph on dirt roads, implemented in 2008 through 2011; and rubberized asphalt overlays completed by ADOT.

Ms. Bauer discussed that the 2012 Five Percent Plan includes one new measure: the Dust Action General Permit. The Legislature passed a bill in 2011 that established the Dust Action General Permit.

ADEQ is forecasting high risk days five days in advance. Ms. Bauer stated that sources that are regulated, but do not have a permit are expected to implement one best management practice (BMP) before and during a high risk event. Ms. Bauer indicated that if a source does not implement at least one BMP during a high risk event, and it is discovered by the ADEQ Director, the organization may be required to obtain a permit.

Ms. Bauer stated that the Clean Air Act 189(d) requires five percent reductions per year until attainment is reached, which for the 2012 Plan is years 2008 through 2012. The total PM-10 emissions for the base year, 2007, is 59,218 tons. The total PM-10 emissions for 2012, with measures applied, including increased rule effectiveness, is 43,130 tons. This is then tested to determine if the requirements are met. Ms. Bauer indicated that the annual five percent reduction requirement is multiplied by the 2007 base year emissions, 59,218 tons, which equals 2,961 tons. The 2,961 ton reduction target is then multiplied by 5 years (2008-2012) which equates to a total of 14,805 tons needed to meet the requirements. The actual tons reduced by the 2012 Five Percent Plan is 16,089 tons, which represents nine percent excess.

Ms. Bauer noted that the Clean Air Act has a contingency requirement. She identified that contingency measures are emission reductions above and beyond the credit used to demonstrate the annual five percent reductions and model attainment. Ms. Bauer indicated that the contingency measures for this region have always been implemented early to attain the standard as quickly as possible. The tons required in 2012 for the contingency requirement is an additional 3,218 tons. Ms. Bauer stated that total 2012 PM-10 reductions including PM-10 certified street sweeping and paving/stabilization/speed limit reduction projects completed in 2008 through 2011 is 3,439 tons. The contingency requirement is met in 2012 with 221 tons more than required.

Ms. Bauer presented the Contingency Projects Completed in 2008-2011: Paving/Stabilization/Speed Limit Reductions. She mentioned that the documentation of these projects is detailed so that the plan can take credit for the measures. Ms. Bauer stated that 862 total miles of roads/alleys were paved or stabilized. She indicated that 1,158 total miles of shoulders were paved or stabilized. Ms. Bauer added that documentation from the municipalities has been provided to MAG for all of these completed projects. She stated that collectively these projects reduced PM-10 emissions by 2,939 tons.

Ms. Bauer presented the Contingency Projects Completed in 2008-2011: PM-10 Certified Street Sweeping. She stated that the 2012 Five Percent Plan takes credit for 25 new PM-10 certified street sweepers purchased in 2007-2009. Ms. Bauer indicated that more than 25 street sweepers were purchased; however, many were replacement street sweepers for other PM-10 certified sweepers. The plan only takes credit for new street sweepers. Ms. Bauer noted that the 25 new street sweepers purchased in 2007-2009 equates to 499 tons of PM-10 emission reductions. The 499 tons plus the reductions from the other contingency projects completed in 2008 through 2011 demonstrate that the contingency requirement is exceeded by 221 tons.

Ms. Bauer called attention to the PM-10 nonattainment area total emissions figure of 48,148 tons from the 2008 PM-10 Emissions Inventory. She stated that the 2012 PM-10 Emissions Inventory with the Five Percent Plan measures and contingency projects totals 39,691 tons for the PM-10 nonattainment area.

Ms. Bauer stated that in conclusion the Draft MAG 2012 Five Percent Plan for PM-10 meets the annual five percent reduction requirement, meets the contingency requirement, and demonstrates

attainment in 2012 for two high wind days-May 4, 2007 and June 6, 2007. She indicated that an extension of the attainment date from June 6, 2012 to December 31, 2012 has been requested. The extension is being requested so that the Dust Action General Permit can be implemented for an entire year in order to demonstrate attainment. Ms. Bauer noted that the Dust Action General Permit went into effect December 30, 2011. She discussed the importance of three years of clean data at the monitors-at a minimum for years 2010, 2011, and 2012. Ms. Bauer also mentioned the importance of the exceptional event documentation. She thanked ADEQ for their efforts in documenting exceptional events. Ms. Bauer commented on the daunting task and indicated that ADEQ is in the process of hiring consultant assistance for the documentation. She stated that MAG is also ready to assist ADEQ in any way possible.

Ms. Bauer provided an overview of the Draft MAG 2012 Five Percent Plan schedule. She noted that on March 12, 2012 the draft plan became available for public review. Ms. Bauer added that parts of the draft plan have been presented to the Committee in previous meetings. She stated that the Draft MAG 2012 Five Percent Plan for PM-10 public hearing was held on April 12, 2012. Ms. Bauer indicated that Ms. Arthur will discuss the comments received on the draft plan and the response to comments were provided at each place. Ms. Bauer stated that today a recommendation is being requested from this Committee on the draft plan. The next step would be the MAG Management Committee on May 9, 2012. The Draft MAG Five Percent Plan would then proceed to the MAG Regional Council meeting on May 23, 2012. Following Regional Council adoption of the plan, on May 25, 2012, MAG would submit the plan to ADEQ who would submit the plan to the Environmental Protection Agency. Ms. Bauer stated that by August 14, 2012 EPA will need to make a completeness determination on the plan which will stop the 18 month and 24 month sanction clocks that began when the plan was withdrawn. She indicated that by February 14, 2013 EPA needs to approve the plan to stop the imposition of a federal implementation plan. Ms. Bauer again thanked everyone for their efforts on the Draft MAG 2012 Five Percent Plan for PM-10.

Ms. Arthur provided an overview of the responses to comments received. She indicated that a public hearing was conducted on Thursday, April 12, 2012 for the MAG 2012 Five Percent Plan for PM-10. Ms. Arthur indicated that two individuals testified at the hearing. Ms. Arthur added that written comments were received from the Arizona Center for Law in the Public Interest. She stated that she will provide a summary of the comments received and the response to comments.

Ms. Arthur summarized a testimonial comment from Jerry Greenburg. The comment stated that Mr. Greenburg lives in a nice neighborhood in Chandler and he is having trouble breathing. He has observed vacant lots to the north of his neighborhood that blow dust into his neighborhood of Twelve Oaks, Stellar Air Park. He realized that his neighborhood was surrounded by dirt lots. He called the City and County and made formal complaints and responses were received. The comment included that people are allowed to dump construction dirt and construction debris on vacant lots, and also allow vacant lots to be bare dirt. He asked why vacant lot owners are being coddled. Ms. Arthur thanked ADEQ and Maricopa County for assisting in the response to comments. The response states that fugitive dust produced by vacant lots is regulated under Maricopa County Air Pollution Control Rule 310.01. The rule requires the owner and/or operator of a vacant lot to keep the soil stabilized at levels that pass test specifications in the rule. Control measures commonly utilized include dust suppressants, vegetative ground cover, and gravel coverage. MCAQD encourages residents to call and report problems with vacant lots or dust creating activities. The phone number and website were identified. Vehicles traveling or parking on vacant lots are also restricted by both County and local

government ordinances. The City of Chandler has an ordinance that restricts vehicular use and parking on vacant lots. A phone number for the City of Chandler Code Enforcement is provided. MCAQD operates a monitoring network with a number of monitors sited to measure particulate matter at the neighborhood scale where residents live. Monitoring data is summarized annually by location in a network review report which also summarizes its compliance inspection and enforcement activity. Both documents are available on the Maricopa County Air Quality Department website.

Ms. Arthur summarized a testimonial comment from Mr. Greenburg. The comment stated that he has a new grandson who was born at Chandler Regional Hospital. Mr. Greenburg stated that he had witnessed a tractor with a plow on it raising clouds of dust a half mile from where his grandson was born. He called the City the next day and they said they would talk to him about it. Ms. Arthur stated the response to comments included that ADEQ is responsible for controlling dust emissions from agricultural activities in Area A. Under Senate Bill 1552 passed by the Arizona Legislature in 2007, farmers are required to implement two BMPs to reduce PM-10 emissions for tillage and harvest, non-cropland, and cropland. Additional information on the BMPs can be obtained at the Arizona Department of Environmental Quality website. To issue a complaint of high dust generation by a tractor or vacant parcel, call ADEQ.

Ms. Arthur summarized a testimonial comment from Sandy Bahr who represents the Sierra Club of Arizona. The comment from Ms. Bahr indicated that she has raised the issue about MAG not being the right entity for leading the air quality effort. Ms. Bahr indicated that politically MAG is a difficult place to get clean air when the purpose of the organization is about transportation and facilitating expenditure of federal highway dollars. Ms. Arthur summarized the response to Ms. Bahr's comment. The response states that MAG serves as the designated Regional Air Quality Planning Agency for the Maricopa area. The regional air quality plans are prepared through a coordinated effort with the Arizona Department of Environmental Quality, Arizona Department of Transportation, Maricopa County Air Quality Department, and Maricopa Association of Governments. Over time, significant progress has been made to improve air quality due to the implementation of the aggressive measures in the MAG regional air quality plans by the State and local governments. The MAG region has met the federal air quality standard for: carbon monoxide, one-hour ozone, and the 1997 eight-hour ozone standard. In addition, the MAG region meets the fine particulate standard of PM-2.5. The Revised MAG 1999 Serious Area Particulate Plan for PM-10 was one of the first in the nation and included 77 aggressive measures to reduce coarse particulate matter. On July 25, 2002, EPA approved that plan which was heralded by EPA as one of the most comprehensive in the country. Every city and town within the nonattainment area and Maricopa County have implemented dust control measures to reduce PM-10. In addition, the MAG Regional Council has allocated \$24.9 million in Congestion Mitigation and Air Quality Improvement Funds over the last 12 years to purchase clean, dust-reducing street sweepers. Ms. Arthur stated that air quality is an important issue to the Maricopa Association of Governments.

Ms. Arthur stated that a testimonial comment from Ms. Bahr included that the region seeks to identify 21 of the 22 exceedances for 2011 as exceptional events. Ms. Bahr indicated that when one has that many exceptional events, they fail to be exceptional. The response to this comment stated that the data flagged as "exceptional" must have been affected by an exceptional event, which is defined as an event that affects air quality; is not reasonably controllable or preventable; is an event caused by human activity that is unlikely to recur at a particular location or a natural event; and is determined by the EPA to be an exceptional event. For the Maricopa County PM-10 nonattainment area, exceptional events are generally caused by high winds. In 2010, there was only one exceedance of the PM-10

standard at one monitor in the nonattainment area, which did not occur on a windy day. In 2011, the PM-10 standard was exceeded on 21 of 22 days during either strong frontal system winds or summer monsoon thunderstorms. ADEQ is in the process of preparing documentation that meets the EPA Exceptional Event Rule (EER) requirements and justifies that the 21 exceedances were unavoidable due to the uncontrollable meteorological conditions that occurred during 2011. In addition, EPA acknowledged that natural events like high winds need not be rare in order to qualify as an exceptional event. Ms. Arthur quoted EPA, *"It is important to note that natural events, which are one form of exceptional events according to this definition, may recur, sometimes frequently (e.g. western wildfires)"* (72 FR 13563). Because 2011 had an unusually high amount of dust storms does not preclude those dust storms from being considered as exceptional events under the current definition of exceptional events in EPA's EER.

Ms. Arthur summarized a testimonial comment from Ms. Bahr that the plan is to demonstrate best available control measures and maximum measures. Ms. Bahr indicated that she did not see where this was demonstrated in the plan. Ms. Arthur stated that the response to this comment included that the MAG 2012 Plan is designed to meet the requirements in Section 189(d) of the Clean Air Act. Section 189(d) indicates that, in the case of a Serious PM-10 nonattainment area in which the PM-10 standard is not attained by the attainment date, which for Maricopa County was 2006, the State shall submit plan revisions which provide for attainment of the PM-10 standard and demonstrate five percent reductions per year based on the most recent emissions inventory. The Best Available Control Measure (BACM) and Most Stringent Measure (MSM) demonstrations are required under Section 189(b)(1) and 188(e) of the Clean Air Act. On July 25, 2002, the Environmental Protection Agency approved the Revised MAG 1999 Serious Area Plan for PM-10 that included the BACM/MSM demonstrations. On August 14, 2008, EPA again took final action to approve the BACM and the MSM demonstrations in the Revised MAG 1999 Serious Area Plan for PM-10.

Ms. Arthur summarized a testimonial comment from Ms. Bahr where she inquires how a contingency measure can be classified as contingency if it is already implemented. Ms. Arthur summarized the response to the comment. She stated that Section 172(c)(9) of the Clean Air Act requires that nonattainment plans contain contingency measures. Such measures are to be undertaken without further action by the State or the EPA Administrator. EPA encourages early implementation of contingency measures to reduce emissions as expeditiously as practicable. Ms. Arthur stated that the contingency requirement is met in the MAG 2012 Five Percent Plan by quantifying the benefits of PM-10 reduction projects that were implemented early; projects for the MAG 2012 Plan were completed in 2008 through 2011.

Ms. Arthur summarized a testimonial comment from Ms. Bahr. The comment from Ms. Bahr indicated that she is aware of changes relative to the BMPs for agriculture, but she thinks there are questions about whether the BMPs are truly enforceable. The response to comments states that ADEQ is responsible for controlling dust emissions from agricultural activities in Area A. Additional information on agricultural BMPs is available on the ADEQ website.

Ms. Arthur summarized written comments received from the Arizona Center for Law in the Public Interest (ACLPI) and the responses. She indicated that the ACLPI letter was signed by Joy E. Herr-Cardillo dated April 12, 2012. Ms. Arthur summarized a comment from the ACLPI letter indicating that an updated BACM/MSM analysis should be included in the 2012 Five Percent Plan. The response to this comment states that the MAG 2012 Five Percent Plan is designed to meet the requirements in Section 189(d) of the Clean Air Act. In the case of a Serious PM-10 nonattainment area in which the

PM-10 standard is not attained by the attainment date, the State shall submit plan revisions which provide for attainment of the PM-10 standard and demonstrate five percent reductions per year based on the most recent inventory. The Best Available Control Measure and Most Stringent Measure demonstrations are required under Section 189(b)(1) and 188(e) of the Clean Air Act. On July 25, 2002, the Environmental Protection Agency approved the Revised MAG 1999 Serious Area Plan for PM-10 that included the BACM/MSM demonstrations. On August 14, 2008, EPA again took final action to approve the BACM and the MSM demonstrations in the Revised MAG 1999 Serious Area Plan for PM-10.

Ms. Arthur stated that the following comments provided by ACLPI address the 2008 PM-10 Emissions Inventory. A comment provided by ACLPI stated that in its proposed disapproval of the 2007 Draft Five Percent Plan, EPA found that the 2005 emissions inventory relied upon by the state to be insufficiently accurate because it overestimated the baseline emissions for construction and other sources. In the current plan, MAG is relying upon a 2008 periodic emissions inventory which, like the 2005 inventory, was prepared by MCAQD. At first glance, the recent inventory appears to address EPA's concerns as it shows emissions from residential construction to be a smaller percentage of the overall emissions. However, a comparison of the two inventories reveals a discrepancy that MAG does not appear to either acknowledge or explain, the drastic reductions in the estimated emissions overall total. In the 2005 inventory, total PM-10 emissions in the nonattainment area were calculated to be 84,753 tons per year. The 2008 inventory puts that total at 48,148 tons per year - a reduction of more than 40 percent in just three years. Since the inventory is the principal basis for calculating the five percent annual reduction required under the Clean Air Act, it is important to the public health that the amount of current emissions are not understated. Ms. Arthur stated that the response to these comments include that MCAQD and EPA staff worked together to revise the 2008 emissions inventory finalized in June 2011. Ninety-two percent of the reduction in total PM-10 emissions from the 2005 emissions inventory to the 2008 emissions inventory can be attributed to four factors: (1) a decrease in the number of acres permitted for construction activities and increases in compliance with Maricopa County Rule 310, (2) a reduction in the material burned by wild fires, (3) annual variations in meteorological data and use of a new and improved methodology to estimate windblown dust emissions, and (4) decreases in PM-10 emissions from paved roads due to application of a new AP-42 equation released by EPA in January 2011. Ms. Arthur noted that she will discuss each of these factors in more detail.

Ms. Arthur discussed the first factor which is a decrease in the number of acres permitted for construction activities and increases in compliance with Maricopa County Rule 310. She stated that one reason for the reduction in PM-10 emissions is the significant decline in construction activity that took place between 2005 and 2008. In 2005, MCAQD issued construction permits for 68,664 acres in Maricopa County; in 2008, this number was reduced to 42,130 acres, a 39 percent decline in three years. Ms. Arthur commented that MCAQD staff worked closely with EPA to improve the methodology used to quantify rule effectiveness. The rule effectiveness rate for construction activities in the 2005 emissions inventory was 51 percent; using the new methodology, the rule effectiveness rate for construction activities in the 2008 emissions inventory is 90 percent. Ms. Arthur indicated that this represents a 76 percent increase in compliance with Rule 310 between 2005 and 2008. Reduction in the inventory due to construction rule effectiveness is 24,166 tons per year which represents 66 percent of the 92 percent decrease in total PM-10 emissions between 2005 and 2008.

Ms. Arthur stated that the second factor was wild fires. She added that wild fires in 2008 decreased significantly from 2005. Ms. Arthur commented that Maricopa County estimated that wild fires

produced 4,860 tons of PM-10 emissions in 2005. She noted that the estimated PM-10 emissions in 2008 was 424 tons. Due to the significant reduction in material burned in the nonattainment area between 2005 and 2008, the PM-10 emissions for wild fires are 91 percent lower in the 2008 emissions inventory. Ms. Arthur explained that the second factor regarding wild fires explains another 12 percent of the 92 percent decrease.

Ms. Arthur indicated that the third factor relates to windblown dust. She noted that PM-10 windblown dust emissions in the 2005 emissions inventory are 7,380 tons for the nonattainment area, compared with 4,815 tons in the 2008 emissions inventory. Ms. Arthur added that for the revised 2008 emissions inventory, MAG developed a new PM-10 emissions estimation methodology using the latest scientific research on windblown dust in the arid southwest. The windblown dust estimates in the 2008 emissions inventory are based on 2008 wind speed and precipitation data from 34 meteorological stations and the most recent land use data (2009) available for the nonattainment area. The new methodology produces a more accurate estimate of the contribution of windblown dust to the 2008 emissions inventory. Ms. Arthur noted that this windblown dust methodology accounts for seven percent of the decrease in total PM-10 emissions between 2005 and 2008.

Ms. Arthur discussed the fourth factor: an updated version of the AP-42 equation issued in January 2011 by EPA that estimates particulate emissions from vehicles traveling on paved roads. She added that the reduction in emissions attributable to the updated AP-42 equation is 51 percent between 2005 and 2008. Ms. Arthur noted that credit was not taken for all the reduction benefit since the reduction in paved road PM-10 emissions is partially offset by increases in emissions from exhaust, tire wear, and brake wear due to the use of the new EPA MOVES2010a mobile source emissions model. There were also increases in emissions for vehicles traveling on unpaved roads. The net difference represents seven percent of the 92 percent decrease.

Ms. Arthur stated that the preceding four factors contribute to a 92 percent reduction in total PM-10 emissions between the 2005 emissions inventory and the 2008 emissions inventory. She indicated that the remaining eight percent can be attributed to factors such as increased rule effectiveness for Rules 310.01 and 316, as well as decreased industrial activity. Ms. Arthur indicated that the annual five percent reductions in total PM-10 emissions were not based on 48,148 tons (2008 emissions), but the higher 2007 emissions level of 59,218 tons. Ms. Arthur stated that the five percent reductions calculated in the Draft MAG 2012 Five Percent Plan are not understated.

Ms. Arthur noted that the next ACLPI comment is in regard to reliance upon EPA's concurrence on exceedances claimed as exceptional events. The comment received stated that ACLPI is concerned that the attainment demonstration in the 2012 Five Percent Plan, like the 2007 Five Percent Plan, relies upon the concurrence by EPA regarding exceptional events. The likelihood of eliminating all of these exceedances as exceptional events would appear both remote and contrary to the public interest. Therefore, a plan that proposes to achieve "attainment" simply by whitewashing over severely unhealthful conditions is both irresponsible and contrary to the public interest. Ms. Arthur summarized the response to the comment. She noted that ADEQ aided in this response. The response stated that on March 22, 2007, EPA adopted the Exceptional Events Rule. In the implementing rules, EPA allows States to request the exclusion of data showing exceedances or violations of the national ambient air quality standard that are directly the result of an exceptional event, provided the State submits a demonstration justifying the exclusion of the data. Through the development of the proposed Five Percent Plan, ADEQ, MAG and MCAQD have evaluated the exceedances that occurred in 2009 and 2011, and have compared them to the requirements in EPA's EER, as well as EPA's Draft

2011 Exceptional Events Guidance document. Based upon that analysis it was concluded that the overwhelming majority of exceedances that occurred during 2009 and 2011 were the direct result of events that could not be prevented or that overwhelmed the controls required by the existing non-attainment area plans. On March 14, 2012, ADEQ submitted to EPA documentation demonstrating that the PM-10 exceedances recorded between July 2 and July 8, 2011, were the result of exceptional events. EPA's decision regarding this documentation is expected by July 2012. ADEQ, MCAQD, and MAG have concluded that there is a relatively low risk of nonconcurrence. Finally, recognizing that the public is still exposed to these high concentrations of PM-10, regardless if they are reasonably preventable or controllable, ADEQ is required by Arizona Revised Statute § 49-424(11) to develop and disseminate air quality dust forecasts for the Maricopa County PM-10 nonattainment area. These forecasts are required to identify the risk of dust generation for the next five consecutive days, and must be posted on ADEQ's web site, at a minimum, five days each week. In addition to the dust forecasts, ADEQ also publishes a forecast that predicts the air quality index for the upcoming days, and issues health watches and high pollution advisories on days where exceedances of the PM-10 standard are expected to occur. ADEQ has taken the additional step of making these forecasts available to any interested party via electronic mail.

Ms. Arthur summarized the next comment from the Arizona Center for Law in the Public Interest. The comment stated that the plan does not adequately demonstrate that the Dust Action General Permit and the agricultural permit requirements satisfy the BACM and MSM requirement. The response states that since 2007, the most common factor associated with PM-10 exceedances in Maricopa County was elevated wind speed. In reviewing other PM-10 control programs, ADEQ, MCAQD and MAG were unable to identify another comprehensive State Implementation Plan (SIP) program that was specifically designed to control dust on high wind days. ADEQ agreed to legislation that requires the Department to issue a pollution forecast that identifies the risk of dust generation. Based upon ADEQ's forecast, all owners or operators of dust generating activities within Maricopa County are required to implement air pollution controls as soon as practicable before and during a day forecast to be at high risk of dust generation. In addition to these controls, the permit also adds additional monitoring, record keeping and reporting requirements that enhance the enforceability of these control measures. With respect to the Agricultural Best Management Practices (Ag BMP) program, portions of the current program have already been approved into the SIP and those commitments remain ongoing. This Section 189(d) plan did not rely on any improvements to the previously approved Ag BMP program to achieve the required annual five percent emissions reductions or to demonstrate that the plan results in attainment. As a result, the improvements that were made to the program in 2007, 2009, 2010 and 2011, have not been included as part of this SIP revision. Because of the statewide applicability of this program, ADEQ will submit the program as a separate, independent revision to the State Implementation Plan.

Ms. Arthur summarized an ACLPI comment on the enforceability of control measures. The comment stated that, in recent years, when citizens have brought actions to enforce control measures that the State is responsible for implementing, the State has invoked the Eleventh Amendment in an effort to avoid the enforcement of its obligation to comply with the SIP. The comment also identified the belief that when the State or one of its subdivisions assumes responsibility for the implementation of specific control measures, the commitment should include an unequivocal consent to federal jurisdiction if enforcement is sought under the citizen suit provision. The response states that, as noted in the comment, the legal strategy employed by Arizona did not preclude injunctive relief and it did not affect the enforceability of the SIP by either EPA or affected citizens. Because the merits of each lawsuit

must be reviewed on a case-by-case basis, the response to the lawsuit must address the merits of each case, and the defense strategy in question did not affect the enforceability of the SIP, it is not prudent to unnecessarily limit future defense strategies.

Cato Esquivel, City of Goodyear, asked if the goal was to share all the response to comments. Mr. Tveit stated that an overview of the comments on the MAG 2012 Five Percent Plan and the responses is being provided so that the Committee can make a recommendation on the plan. Mr. Esquivel stated that the response to comments has been provided to the Committee for review and questions. He stated that he understands the hard work that has gone into the response to comments, but he inquired if the question portion could commence. Mr. Tveit asked Ms. Arthur how many comments she has yet to summarize. Ms. Arthur stated that most of the ACLPI comments are in the technical section of the response to comments, which she has not discussed. She stated that prior Committee meetings have reviewed all of the comments; however, she noted that there is not usually this many technical questions. Mr. Tveit asked Ms. Arthur to present any further response to comments that are of importance and then the Committee can proceed to the question portion of the agenda item. Ms. Arthur asked if anyone had questions on the response to comments.

Mark Hajduk, Arizona Public Service Company, asked Ms. Bauer if the 18 month and 24 month sanction clocks started on January 25, 2011. Ms. Bauer responded that the sanction clocks started on February 14, 2011; EPA published a notice in the Federal Register on this date and made it effective on that date.

Mr. Tveit inquired how the one percent rule effectiveness was calculated for the Dust Action General Permit. Ms. Arthur replied that this rule effectiveness rate only applies to Rule 310.01, unpaved/vacant lots. She stated that the one percent increase in rule effectiveness was sufficient to aid in demonstrating modeling attainment. Ms. Arthur noted that the one percent equates to 149 tons which helped model attainment for one of the days that was being modeled. She mentioned that the Dust Action General Permit is important to both achieve attainment at the monitors and model attainment.

Mr. Tveit requested a motion to recommend the adoption of the Draft MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area. Eric Massey, Arizona Department of Environmental Quality, moved and Doug Kukino, City of Glendale, seconded.

Mr. Kamps inquired what analysis was used to determine the contingency measures for the 2012 Five Percent Plan. Ms. Arthur responded that contingency measures in the 2007 Five Percent Plan were more arbitrary, however the 2012 Plan contingency measures are not. She stated that the increases in rule effectiveness were the only measures that supplied sufficient benefit to meet the five percent reduction per year requirement. The benefit for contingency projects completed in 2008 through 2011 totaled 3,439 tons, which is just over one year of benefit. She noted that five years of benefit were needed. Ms. Arthur indicated that MCAQD worked closely with EPA to define a specific method to quantify rule effectiveness and the increases in rule effectiveness alone provided enough benefit for the five percent reduction per year requirement for five years. Mr. Kamps asked about the measures that do not have rule effectiveness. Ms. Arthur replied that a lot of those measures are contingency measures. She gave the examples of paving unpaved roads, shoulders, and alleys. Mr. Kamps inquired about leaf blowers. Ms. Arthur stated that EPA was clear that credit could not be taken for measures, even though implemented, unless there were studies supporting actual PM-10 reductions. Ms. Arthur indicated that the only measures used for credit were those that have been completed and

where the PM-10 reductions are supported. Ms. Arthur stated that EPA was involved in developing the rule effectiveness methodology and MAG has comprehensive data supporting the completed contingency projects. She stated that no credit was taken for leaf blowers since there is no data to demonstrate the effectiveness of leaf blowers in reducing PM-10 emissions. Mr. Kamps asked specifically what analysis was used to distinguish the difference between an implemented measure and a contingency measure. Ms. Arthur stated that all of the measures in the 2012 plan are those for which EPA could be convinced that the benefits occurred. She indicated that EPA is convinced that rule effectiveness increased due to dramatic increases in compliance rates between 2007 and 2010. Mr. Kamps stated that there are committed measures that do not have rule effectiveness. Ms. Arthur noted that the 2007 Five Percent Plan had 53 measures and only four were not implemented. She added that there are quite a few measures that are being implemented for which credit is not taken in the 2012 Plan because EPA requires studies to support the claimed PM-10 reductions. Mr. Massey responded that the Draft 2012 Plan achieves the required five percent emissions reductions for years 2008, 2009, 2010, 2011, and 2012 and the plan also achieves approximately 3,400 tons of reduction in contingency. He stated that the deciding factor of what determined a five percent reduction measure versus a contingency measure was rule effectiveness. Rule effectiveness was used to demonstrate the five percent reduction and anything above and beyond was used as a contingency measure. The completed projects that paved unpaved roads, alleys, and shoulders satisfied the 3,439 ton contingency requirement. Ms. Arthur stated that there is extensive data supporting the contingency measure benefits.

Mr. Massey discussed that there are a number of committed measures in which no credit was ever calculated. He noted that these measures do have air quality benefits, but since the benefits were not quantified, an emissions reductions credit is not being taken. The committed measures show benefit at the monitors, but a quantified reduction is not taken in the MAG 2012 Five Percent Plan. Mr. Massey discussed that there were a number of controls in the 2007 Five Percent Plan that did have benefit, but that could not be quantified. Ms. Arthur also mentioned that there were some quantified benefits included in the 2007 plan, but not the 2012 plan, since EPA required additional data to support those reductions.

Mr. Tveit requested a vote on the recommendation for adoption of the Draft MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area. The motion carried with Jeanette Fish, Maricopa County Farm Bureau, abstaining.

5. Update on PM-10 Exceedances and Exceptional Events

Ms. Bauer provided an update on PM-10 exceedances and exceptional events. She indicated that on April 3, 2012 and April 4, 2012 there were exceedances of the PM-10 standard at the West Chandler monitor. According to ADEQ, the exceedances were due to localized agricultural activity that began around 9:00 p.m. on April 3rd and continued to approximately 1:30 a.m. on April 4th. ADEQ has indicated that the farmer was new and unaware of the agricultural best management practices. Ms. Bauer added that the farmer is now aware of the best management practices and is willing to work with the State. She thanked ADEQ, MCAQD, and the City of Chandler for their efforts on stopping the activity. She noted that both Maricopa County and the City of Chandler sent staff out to the monitor. Ms. Bauer added that ADEQ will be discussing this incident with EPA since perhaps it was an isolated event.

Ms. Bauer discussed the EPA Exceptional Event Rule. She stated that on March 2, 2012, EPA sent a letter to MAG indicating that EPA would consider the MAG comments on the draft exceptional events guidance and the conceptional approach for streamlining the exceptional event determination process by enabling states and tribes to make the exceptional events determinations, in consultation with EPA.

7. EPA Proposed Approval of the MAG 2007 Eight-Hour Ozone Plan

Ms. Bauer provided an update on the MAG 2007 Eight-Hour Ozone Plan. She stated that on April 12, 2012, EPA published a proposed rule to approve the MAG 2007 Eight-Hour Ozone Plan that demonstrates attainment of the 1997 eight-hour ozone standard of 0.08 parts per million by June 15, 2009. Ms. Bauer indicated that there have been no violations of the standard since 2004.

8. CMAQ Annual Report

Dean Giles, Maricopa Association of Governments, presented the Congestion Mitigation and Air Quality Improvement Program Annual Report. He stated that in accordance with federal guidance, the 2011 CMAQ Annual Report describes how funds have been spent and the estimated air quality benefits. Mr. Giles indicated that the CMAQ report for the fiscal year (FY) ending September 30, 2011 was submitted to the Federal Highway Administration in the electronic format required by mid February 2012. The report was prepared by MAG in cooperation with the Arizona Department of Transportation. Mr. Giles mentioned that the CMAQ projects were reviewed by the Committee when the projects were submitted to MAG for possible inclusion in the Transportation Improvement Program (TIP). He noted that the data for calculating the estimated air quality benefits was provided by the MAG member agencies.

Mr. Giles stated that the CMAQ annual report contains 30 projects, including information on the CMAQ cost and the estimated air quality benefits for volatile organic compounds, carbon monoxide, nitrogen oxide, and PM-10 in kilograms per day. Mr. Giles noted that the first page of the report, that was included in the Committee agenda packet, lists dirt road and alley paving projects, as well as street sweepers, implemented in 2011. He added that air quality benefit for PM-2.5 is not included in the report since the area is in attainment for that pollutant.

Mr. Kamps stated that he would like to note that a majority of the PM-10 reductions are a result from paving projects, yet he estimates 50 percent of the CMAQ funds are allocated to bicycle, pedestrian, and intelligent technologies. He commented that the CMAQ annual report points out challenges this Committee has faced in allocating CMAQ monies for PM-10 reduction.

9. Update on PM-10 Certified Street Sweeper Projects for FY 2012 CMAQ Funding

Mr. Giles provided an update on the PM-10 Certified Street Sweeper Projects for FY 2012 CMAQ funding. He stated that on October 27, 2011 the AQTAC recommended a prioritized list of proposed PM-10 Certified Street Sweeper Projects for FY 2012 CMAQ funding. The Management Committee concurred with that recommendation on November 9, 2011. Mr. Giles indicated that on December 7, 2011, the Regional Council approved the prioritized list of the proposed PM-10 Certified Street Sweeper Projects for FY 2012 CMAQ funding. He noted that with the \$1.3 million that was available, the first seven PM-10 certified street sweepers were funded. Mr. Giles added that additional funding was provided for the remaining street sweepers during the TIP Closeout in February 2012. He stated that there was over \$539,000 of additional CMAQ funding that went toward increasing the federal

participation rate to 100 percent and fund the remaining two street sweepers on the list for the City of Tempe and City of Chandler. MAG staff has notified all of the member agencies of the funding and will also report to the MAG Management Committee and the MAG Regional Council periodically on the status of the street sweeper projects. Mr. Giles noted that MAG requests that the street sweepers be purchased within one year and ten days of the MAG authorization letter.

Ms. McGennis inquired about CMAQ funding going toward the retrofit of nonroad diesel engines and replacement with advanced technologies. Mr. Giles responded that the retrofit of nonroad diesel engines and replacement with advanced technologies is eligible for CMAQ funding. Ms. McGennis asked if only municipalities can apply for the funding or if individual companies could apply for the CMAQ funding for nonroad vehicles. Ms. Bauer replied that there are public-private partnerships that would be eligible to apply for CMAQ funding during the allocation process. Mr. Giles added that MAG requests the application be submitted through a public agency. Ms. McGennis commented that there is a fund for this measure. Ms. Bauer discussed that CMAQ funding is available for that type of project. She stated that retrofitting diesel engines assists in decreasing PM-2.5 pollution, the PM-10 reduction is much smaller.

10. Call for Future Agenda Items

Mr. Tveit requested suggestions for future agenda items. He noted that the next meeting is scheduled for Thursday, May 24, 2012. Ms. McGennis inquired if MAG will be commenting on Congressman Jeff Flake's Commonsense Legislative Exceptional Events Reform (CLEER) Act. Ms. Bauer noted that the item was not on the current agenda; however, it could be included on a future agenda. With no further comments, the meeting was adjourned at 3:00 p.m.